

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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ELSA GULINO, ET AL.,

USDC SDNY
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DATE FILED: 12/20/2022

Plaintiffs,

-against-

96-CV-8414 (KMW)

THE BOARD OF EDUCATION OF THE
CITY SCHOOL DISTRICT OF THE CITY
OF NEW YORK,

ORDER

Defendant.

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KIMBA M. WOOD, United States District Judge:

On May 20, 2014, this case was referred to Special Master John S. Siffert pursuant to Federal Rule of Civil Procedure 53(a)(1)(B) and this Court's inherent equitable powers and authority. (ECF Nos. 435, 524.) On December 12, 2022, Special Master Siffert filed a Report and Recommendation ("R&R") regarding a fifth cohort of claimants whose damages consist only of fees incurred to take the Liberal Arts and Sciences Test ("Fifth Cohort of LAST Fees Only Class Members"). (ECF No. 10306.) The claimants who constitute the Fifth Cohort of LAST Fees Only Class Members are listed in Exhibit 1 to the R&R. The Special Master recommended that this Court adopt the Proposed Findings of Fact and Conclusions of Law for each claimant in the Fifth Cohort of LAST Fees Only Class Members, found in Exhibit 2 to the R&R; direct entry of the Proposed Judgments for those claimants, also contained in Exhibit 2 to the R&R; and certify those Proposed Judgments as final and appealable pursuant to Federal Rule of Civil Procedure 54(b). (*Id.*)

The parties agree that objections that have been preserved in the record do not need to be resubmitted to the Court in connection with the R&R. The parties further agree that the Court

may adopt or reject the R&R on the basis of the arguments and objections to rulings contained in the record.

As set forth in the Second Amended Order of Appointment and consistent with Federal Rule of Civil Procedure 53(f), the Court reviews *de novo* all objections to conclusions of law and findings of fact made or recommended by the Special Master. (ECF No. 524.) Upon *de novo* review of the R&R, as well as the Proposed Findings of Fact and Conclusions of Law—and after reviewing the previous Interim R&Rs that this Court has already adopted—the Court adopts the Special Master’s R&R in its entirety.

Accordingly, the Court adopts the Proposed Findings of Fact and Conclusions of Law with respect to each member of the Fifth Cohort of LAST Fees Only Class Members and will enter the Proposed Judgments for the Fifth Cohort of LAST Fees Only Class Members. For the reasons set forth in the R&R, the Court holds there is no just reason for delay and certifies the judgments as final and appealable pursuant to Federal Rule of Civil Procedure 54(b).

SO ORDERED.

Dated: New York, New York
December 20, 2022

/s/ Kimba M. Wood
KIMBA M. WOOD
United States District Judge